

PATENT  
00733-0067**REMARKS**

The specification has been amended to correct a typographic error.

In view of the newly cited prior art, the claims previously pending have been canceled and claims 23-33 substituted.

Independent claim 23 defines the tool mount as comprising a base to rest on the subfloor adjacent the flooring strip to be installed and having a center plate with an upper surface inclined with respect to the subfloor and an undersurface generally parallel with the subfloor, with a pair of side plates, one on either side of the center plate and extending generally at a right angle to the subfloor. A tool carrier plate is slidable on the upper surface of the center plate to adjust the position of a tool carried thereon vertically with respect to the subfloor and the flooring strip. A lateral spacer plate is slidable below the center plate as an end for engagement with the flooring strip to position the tool mount and the tool carried on the tool carrier plate laterally with respect to the flooring strip. A fastener secures the side plates to the center plate and clamps the tool carrier plate and the spacer plate in their adjusted positions to locate the tool carried on the tool carrier plate adjacent the flooring strip and above the tongue to drive a fastener through the flooring strip and into the subfloor. Neither Harwood 3,864,053 or Kozyrski et al. 5,868,183 shows such a simple tool mount structure which is readily adjustable to position a tool carried thereon both vertically and laterally with respect to the flooring strip. The tool carrier and lateral spacer plates are adjusted by sliding on the center plate to accommodate the dimensions of the flooring strip to be installed and the tool to be used. The

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tool carrier and lateral spacer plates are secured in position by actuating the fastener, e.g., screw 36, which secures the side plates to the center plate and clamps the tool carrier and spacer plates.

The prior art does not show a base with a center plate and two side plates, together with a slidable tool carrier plate and a slidable lateral spacer plate which are clamped in adjusted position by the side plates. In Kozyrski et al. tool carrier 14 does not slide on the center plate of a base for vertical adjustment. Element 18, identified by the Examiner as a spacer, is a support for work pieces F (col. 5, lines 45-52). Element 86 is a stop element at the forward end of plate 18 which engages the lower corners of the frame pieces. The claimed lateral spacer plate slidable below the base center plate is not shown.

In Harwood, side plates 19 are integral with center plate 15. They do not act to clamp tool carrier and lateral spacer plates as defined in claim 1. Elements 28, characterized by the Examiner as a spacer, are rather flange portions of support member 10, col. 3, lines 48-56.

Claim 23 depends from claim 22 and defines the configuration of the tool carrier plate with an undersurface slidable on the upper surface of the center plate and an upper surface on which the tools carried, the upper surface being at an acute angle with respect to the under surface thereof. Claim 25 depends from claim 23 and specifies that the sum of the acute angle between the surfaces of the tool carrier plate plus the angle of inclination between the surfaces of the center plate equals substantially  $45^\circ$ . Claim 26 depends from claim 25 and defines the angle between the surfaces of the tool carrier plate as of the order of  $25^\circ$  and the angle of inclination of the center plate as of the order of  $20^\circ$ . This combination of angles contributes to the ease of adjustment.

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Claim 27 depends from claim 23 and requires that the mating surfaces of the side plates with the edges of the tool carrier and lateral spacer plates are rough to enhance clamping of the tool carrier and lateral spacer plates by the side plates.

Claims 28 and 29 depend directly or indirectly from claim 23 and define the guides between the center plate of the base and the tool carrier and lateral spacer plates.

Claims 30 and 31 depend directly or indirectly from claim 23 and are concerned with the stop structure which limits the movement of the tool carrier and lateral spacer plates.

Independent claim 32 and dependent claim 33 are concerned with the combination of the tool mount slidable on the subfloor along a flooring strip with a wand which extends outwardly and upwardly from the tool mount to be pushed by an operator to move the mount against and along the length of the flooring strip. The handle assembly 14 of McAllister 6,269,996 does not have the claimed angular orientation. Rather, it extends parallel to the flooring strip, Fig. 2.

Reconsideration and allowance of the application are requested.

Respectfully submitted,



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